

TRANSCRIPT OF PROCEEDINGS

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

IN THE MATTER OF:

MB DOCKET NO. 04-191

SAN FRANCISCO UNIFIED SCHOOL DISTRICT

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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.

IN THE MATTER OF:

SAN FRANCISCO UNIFIED  
SCHOOL DISTRICT

MB Docket No. 04-191

For Renewal of License for  
Station KALW(FM),  
San Francisco, California

Facility ID No. 58830  
File No. BRED-19970801YA

Volume 3

Hearing Room TW A363  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Monday,  
June 6, 2005  
9:30 a.m.

BEFORE:

Richard L. Sippel, CHIEF ADMINISTRATIVE LAW JUDGE

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## I-N-D-E-X

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SFUSD

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Bureau

58       FCC 303S Instructions                      351  
          June 1995

Start Time: 9:28 a.m.  
End Time:    5:46 p.m.  
Lunch: 11:59 a.m. - 1:31 p.m.

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P-R-O-C-E-E-D-I-N-G-S

9:28 a.m.

JUDGE SIPPEL: We're on the record. This is the first day of testimony in the hearing, San Francisco Unified School District for Renewal License, Station KALW-FM, San Francisco, California.

This morning I will take attendance on the appearances on the record, and then as we going along during the week that won't be necessary anymore.

But let me again start with San Francisco, Ms. Repp.

MS. REPP: Your Honor, for San Francisco Unified School District, Marissa G. Repp and Martin Price. Also in attendance is Angela Miller, Deputy General Counsel of San Francisco Unified School District.

JUDGE SIPPEL: Good morning, Ms. Miller.

Good morning everyone, and on behalf of the Bureau?

MR. SHOOK: James Shook and Dana Leavitt.

JUDGE SIPPEL: Okay. I think the -- does anybody have any preliminary matters that they want to

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1 raise?

2 MS. REPP: Yes, Your Honor, there is an  
3 exhibit that I would like to enter into the record as  
4 SFUSD Exhibit No. 76. I believe that's where we  
5 needed to start up from. It is an amendment to the  
6 pending 1997 Renewal Application that was submitted to  
7 the secretary's office on June 2nd, 2005.

8 JUDGE SIPPEL: Which application; the  
9 pending?

10 MS. REPP: This is an amendment.

11 JUDGE SIPPEL: Yes.

12 MS. REPP: Bringing up to date the Renewal  
13 Application that was submitted by the District in  
14 1997.

15 JUDGE SIPPEL: Okay. Let me see that. I  
16 want to be sure that I'm in synch with that number.  
17 Let's see, the last -- your last exhibit number -- and  
18 as I indicated -- well, let me see. Let me look at my  
19 order. Maybe that's the fastest way to find it.

20 Exhibit 75, I was reserving Exhibit 75 for  
21 the proof of the publications. You're absolutely  
22 right, 74 would be the public statement exhibits. So

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1 76 is it. Is there any objection?

2 MR. SHOOK: No objection.

3 JUDGE SIPPEL: All right, we'll have it.

4 MS. REPP: Your Honor, if I could just  
5 point out for the record that among other things that  
6 this amendment does is it updates section three of the  
7 form 303-S, question 1-B to reflect that the response  
8 is no. Commission records do not indicate the  
9 supplemental ownership reports for the licensee were  
10 filed within 30 days of each change in membership for  
11 the Board of Education.

12 When such filing supplemental requirement  
13 was in effect, newer ones by annual filings were  
14 required under rule revisions that became effective on  
15 February 19, 1999 where bi-annual ownership reports  
16 filed on a timely basis until 2001. In other words,  
17 this amendment is updating the response on the filing  
18 of the ownership reports to the SEC to reflect that  
19 that's a no with an explanation.

20 In section three, question two of the form  
21 303-S is likewise amended to provide that the response  
22 is no, it's a rather long explanation. Your Honor,

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1 would you like me to read it into the record?

2 JUDGE SIPPEL: I don't think there's any -  
3 - if you think it would be helpful to summarize it.

4 MS. REPP: Yes, I can summarize it as to  
5 saying that prior to 2001 the requisite ownership  
6 reports were not timely filed in the public inspection  
7 file, and issues programs lists have not always been  
8 timely filed within ten days at the end of the  
9 calendar quarter, nor has the issues programs list  
10 always included the specified information as well as  
11 by the issues programs list for the year 1991 have not  
12 been filed.

13 JUDGE SIPPEL: All right.

14 MS. REPP: May I approach the bench and  
15 provide you a copy?

16 JUDGE SIPPEL: Please.

17 MS. REPP: Exhibit 76.

18 JUDGE SIPPEL: Please do, be sure that the  
19 Bureau has their copies and that the reporter,  
20 probably our most important participant in this.

21 MS. REPP: Yes, I gave it to her.

22 JUDGE SIPPEL: All right. For record

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1 purposes you can do this now, Ms. Reporter, or when we  
2 have a recess, but this document will be marked and  
3 received in evidence as SFUSD No. 76; there being no  
4 objection.

5 (Whereupon, the document  
6 referred to was marked for  
7 identification and received  
8 into evidence as SFUSD Exhibit  
9 No. 76.)

10 JUDGE SIPPEL: Okay. Thank you. Ms.  
11 Repp, do you have anything more?

12 MS. REPP: That's it, Your Honor.

13 JUDGE SIPPEL: Anything on behalf of the  
14 Bureau?

15 MR. SHOOK: No, Your Honor.

16 JUDGE SIPPEL: Okay. I guess the quicker  
17 we start the testimony, the quicker we leave.

18 MS. REPP: Well, the District would like  
19 to call to the stand Jeffrey P. Ramirez to be  
20 available for cross examination.

21 JUDGE SIPPEL: Will you take the stand,  
22 Mr. Ramirez? Thank you. Raise your right hand before

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1       you sit down.

2       Whereupon:

3                               JEFFREY P. RAMIREZ

4       was called for examination by Counsel for the SFUSD,  
5       having been first duly sworn, assumed the witness  
6       stand, was examined and testified as follows:

7                               JUDGE SIPPEL: Please be seated.

8                               MS. REPP: Your Honor, we have prepared a  
9       book that's been reviewed by the Bureau that's a  
10      summary of some of the testimony and exhibits for the  
11      convenience of Mr. Ramirez during his cross.

12                              JUDGE SIPPEL: That's fine.

13                              MR. PRICE: Your Honor, we also have a  
14      copy for you if that's going to make it easier for --

15                              JUDGE SIPPEL: Well, it may. Thank you  
16      very much. Appreciate that.

17                              MS. REPP: Your Honor, we're just turning  
18      to the first item here, which is SFUSD Exhibit T-1.

19                              DIRECT EXAMINATION

20                              BY MS. REPP

21                              Q       Mr. Ramirez, this is entitled "Direct  
22      Testimony of Jeffrey P. Ramirez." It is signed by you

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1 under penalty of perjury that the foregoing is true  
2 and correct on May 2nd, 2005. Mr. Ramirez, is this a  
3 true and accurate copy of your testimony as executed  
4 by you on May 2nd, 2005?

5 A Yes, it is, however, I'd like to make two  
6 changes to it.

7 Q What are those changes?

8 A The two changes are on the second to last  
9 and the last page or -- yes, pages 20 or 19 and 20 for  
10 the sentence starting on line 26, that starts with  
11 "CPB was eager to hire me." It gives the impression  
12 that I notified them that I was considering leaving  
13 KALW.

14 That in fact should say that I had already left  
15 KALW, and then the next sentence should follow in the  
16 tense that they knew why I had left the station.

17 Q With those revisions, is this a --

18 JUDGE SIPPEL: No.

19 MS. REPP: I'm sorry, Your Honor.

20 JUDGE SIPPEL: Yes, I know, I was going to  
21 say, I don't think it's necessary to make any physical  
22 changes to the exhibit. Do you have any problems with

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1       that?

2                   MR. SHOOK:  The record will reflect --

3                   JUDGE SIPPEL:  Yes.

4                   MR. SHOOK:  -- the changes.

5                   JUDGE SIPPEL:  My point exactly.  Thank  
6       you.

7                               BY MS. REPP

8               Q       Mr. Ramirez, with those changes, does this  
9       test -- direct testimony that's Exhibit T-1 reflect  
10      your current and accurate statement?

11              A       Yes, it does.

12              Q       And this statement is made, and you  
13      understand that it's made under penalty of perjury?

14              A       Yes, I understand.

15                   JUDGE SIPPEL:  Before you begin, would you  
16      just make a brief proper for the record as to what is  
17      the purpose and the relevance of this testimony from  
18      this witness?

19                   MS. REPP:  The purpose and relevancy of  
20      Mr. Ramirez' testimony is to establish the facts and  
21      understandings of the time relating to the preparation  
22      and submission to the Commission of the Renewal

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1 Application that was filed on August 1, 1997 on behalf  
2 of the San Francisco Unified School District to renew  
3 the license of non-commercial Station KALW, San  
4 Francisco, California.

5 JUDGE SIPPEL: Thank you very much. Your  
6 witness.

7 CROSS EXAMINATION

8 BY MR. SHOOK

9 Q Mr. Ramirez, could you please describe the  
10 Next Generation Project?

11 A The Next Generation Project was a CPB  
12 sponsored strategic management training program that  
13 I was a part of from, I believe, early 1995 through  
14 1997.

15 Q Did the Next Generation Project involve a  
16 Public Radio Station management training?

17 A I don't remember if it included training  
18 specific to managing a Public Radio station.

19 Q What kind of managerial training, if any,  
20 did the project involve?

21 A For the most part, it was related to  
22 strategic planning, such as planning programming

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1 changes at a station. Part of the program involved a  
2 stipend that allowed participants to go to  
3 conferences. Travel to other stations and see how  
4 they operate their stations.

5 I used part of my stipend to travel to the  
6 Public Radio Conference here in Washington, D.C. in  
7 1996. I also used part of my stipend to visit  
8 Minnesota Public Radio, and basically get a tour of  
9 their operation and spend a couple of days observing  
10 how they produce their programs.

11 Going to a Garrison Keillor recording,  
12 seeing how that's produced, and meeting other  
13 managers. There were about a dozen of us in the  
14 program, and so there is -- feel like a veteran. We  
15 were able to network with each other and create a  
16 support group I suppose.

17 Because in the subsequent years after the  
18 program, it was nice to be able to call any of the  
19 folks who I was in the program with and talk about our  
20 experiences at our stations.

21 Q In terms of the people who were  
22 participants in the program, was Nicole Sawaya one of

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1       them?

2               A       Yes, she was.

3               Q       So she was one of the dozen that was in  
4       your group?

5               A       Yes.

6               Q       How often would the group get together, if  
7       at all?

8               A       We got together once here in Washington to  
9       kickoff the program. We would meet at the regularly  
10      scheduled conference just to save cost of course,  
11      since quite a number of the people who were in the  
12      program would also be attending, say, the Public Radio  
13      Conference here in Washington or wherever it was held  
14      in the subsequent year, so two or three times a year.

15              Q       And the program extended for about how  
16      long?

17              A       The program was supposed to be a year  
18      long, if I remember correctly, but then the project  
19      officer at CPB left CPB, and so the project -- there  
20      was no one left there to coordinate the project for a  
21      period of time.

22                      Then a new project officer was hired, and

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1 in fact, the year that I was in the program overlapped  
2 with the next generation of the Next Generation class.  
3 So, in fact, we all 20 of us graduated at the same  
4 time from the program.

5 Q But Nicole Sawaya was part of your  
6 original group?

7 A Yes.

8 Q And she graduated with you?

9 A Yes.

10 Q Did your training involve primarily  
11 coursework or was there something else that was  
12 involved?

13 A Yes, there was coursework, say for  
14 instance, that the kickoff meeting that we had here in  
15 Washington was a Strategic Management Workshop, I  
16 think it was like a two or three day event, where a  
17 consultant came in and trained us as to strategic  
18 management. So there wasn't any take home work,  
19 anything like that. Then again we'd meet at the  
20 conferences and there would be another workshop. I  
21 can't recall the specifics of the workshops that we  
22 attended at the conferences, but they were there, they

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1        were training workshops.

2                Q        The amount of time that you actually had  
3        to spend in the Next Generation Project itself, from  
4        the time you started to the time you finished was  
5        roughly how long?

6                A        I'm not sure if I understand your  
7        question. Do you mean the time that we spent together  
8        as a group?

9                Q        Well, in terms of the Next Generation  
10       Project, whatever it was that you had to do in order  
11       to graduate, be it reading materials, be it meeting  
12       people, be it going to places. How long were you  
13       actually in a training setting?

14              A        Well, certainly when we met together, we  
15       were spending time on the project. I also remember  
16       that we would have to send in reports to our project  
17       officer maybe once or twice a year to let them know or  
18       to let the CPB know how the Next Generation Project  
19       activities were influencing our work at our stations.

20                      I can remember one of the reports that I  
21       wrote talked about activities that I actually  
22       conducted back at my radio station at KPBS at the

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1 time, where I took some of the training.

2 They were consulting workshops, I remember  
3 this. One of the training sessions we had as part of  
4 the Next Generation Project was to learn how to  
5 consult with a small group of your colleagues.

6 So the exercise was get together with two  
7 other people in the project, come up with a problem  
8 that you might have at your station, and consult with  
9 the group to find out -- to get their advice, to then  
10 go and take care of the problem.

11 I remember at KPBS, I managed a group of  
12 four or five folks, and it was a daily program that we  
13 produced, so day to day. Actually, when we were  
14 producing the program, minute by minute, there was  
15 some issue that would come up and we would have to  
16 consult with each other.

17 So one of my reports talked about how,  
18 when I got back to the station, I replicated the  
19 consulting training that I learned through the project  
20 back at the station.

21 Q How many -- you mentioned reports, how  
22 many reports did you have to prepare to submit to CPB?

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1           A       Again, my general recollection is one or  
2       two reports a year. I don't remember if they were  
3       scheduled on specific dates or if they were reports  
4       that we have to write following some major activity  
5       that we may have been involved in, like meeting at a  
6       conference or meeting for a training workshop, that  
7       type of activity.

8           Q       Now in terms of your workshops, those were  
9       sort of the classrooms if you will, that this project  
10      was all about?

11          A       Essentially, yes, there was the workshop  
12      components. There was the meeting with folks as a  
13      group to talk about the problems we were having at our  
14      stations that support group function. Then there was  
15      the ability to call individuals as needed to talk  
16      about problems we were having.

17                   The other part about the program was the  
18      mentoring aspect. So the project teamed up the  
19      younger people in the project with more veteran  
20      established people in the industry.

21                   In fact, one of my mentors was the Senior  
22      Vice President for Operations at Minnesota Public

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1 Radio, so that also gave me the opportunity to call an  
2 older person, someone with more experience to get  
3 advice, talk about problems I was having back at my  
4 station.

5 Q In terms of the workshops, approximately  
6 how many days of workshops were there from the start  
7 of the project to the finish?

8 A Considering the number of conferences that  
9 probably took place, considering the initial meeting  
10 we had here in Washington to kickoff the project that  
11 included a training workshop, I'd say no more than  
12 ten.

13 Q At these ten, generally all 12  
14 participants in the Next Generation Project would  
15 attend?

16 A I don't remember everyone being able to  
17 participate in every workshop because schedules being  
18 what they are, some people were absent, but most of  
19 the people I remember were able to attend the  
20 workshops.

21 Q And in that sense, your contact with  
22 Nicole Sawaya during this period would have been

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1 limited primarily to these workshops?

2 A Yes, at the time I was still working at  
3 KPBS, and I think she was still the station manager at  
4 KZYY in Northern California.

5 Q During these workshops did regulatory  
6 issues ever come up in terms of required filings at  
7 the FCC?

8 A I don't remember that ever coming up.

9 Q Could you describe for us how you prepared  
10 for your appearance today?

11 A I prepared by -- you mean in terms of  
12 meeting with the SFUSD attorneys?

13 Q Well, just in terms of you're sitting here  
14 now trying to recount events that took place seven,  
15 eight years ago, a rather difficult process for any of  
16 us. So I'm just trying to get an idea of how it was  
17 you got ready in order to be able to testify about  
18 events that took place so long ago?

19 A That's a pretty large question.

20 MR. PRICE: Your Honor, if I may just  
21 interject a moment. I just want to caution the  
22 witness that, not to disclose conversations he may

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1 have had with counsel, but otherwise, you're free to  
2 answer the question.

3 THE WITNESS: Okay.

4 JUDGE SIPPEL: You understand that?

5 THE WITNESS: Yes. I mean, I generally  
6 try to remember as best as possible -- yes, what I  
7 remember thinking, what I remember doing, who I  
8 remember working with from nearly ten years ago. It's  
9 been quite an exercise, because now that I'm working  
10 on my second or third job, depending on how you count,  
11 I'm that much more removed from those days back in San  
12 Francisco. I've been trying to remember what was  
13 going on back in those days.

14 BY MR. SHOOK:

15 Q Did you review any documents?

16 A Yes, I have reviewed documents.

17 Q Could you tell us what they were?

18 A Well, they would be all the documents  
19 included in this book. They would include, which I'm  
20 assuming includes -- I even copied this book actually  
21 -- which includes -- which would include the actual  
22 License Renewal Application and the additional

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1 documents that were attached to that. The regulatory  
2 materials that I would have read back in 1997, those  
3 types of documents.

4 JUDGE SIPPEL: Well, in fairness to the  
5 witness -- I mean, you say that you've reviewed all  
6 the documents that are in this book, and that book is  
7 not in evidence. The T-1, your exhibit, T-1 is in  
8 evidence, but the rest of the documents, unless  
9 they're in evidence in some other form.

10 THE WITNESS: Actually, I'm assuming I've  
11 seen everything in this book.

12 MR. PRICE: These are the documents that  
13 are the exhibits that were either introduced at the  
14 admission session several weeks ago that correspond to  
15 Mr. Ramirez' testimony.

16 JUDGE SIPPEL: Well, these are marked and  
17 they're in the record.

18 MR. PRICE: That's correct, Your Honor.

19 JUDGE SIPPEL: The way they're appearing  
20 here, they're not marked, they're just attached to T-  
21 1. The way it's being used here, that's all I'm  
22 trying to get clear.

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1 MR. PRICE: That's correct, Your Honor.

2 MR. SHOOK: That document is tabulated,  
3 isn't it?

4 JUDGE SIPPEL: Yes, it is tabulated.

5 MR. SHOOK: Well then, Mr. Ramirez, why  
6 don't you just go through and with each tab give us a  
7 general description of --

8 THE WITNESS: Sure.

9 MR. SHOOK: -- what the document is.

10 THE WITNESS: There's no tab for the first  
11 document, but this is my direct written testimony.

12 MR. PRICE: There should be an indication,  
13 Mr. Ramirez, in the upper right hand corner of an  
14 exhibit number or identification.

15 THE WITNESS: Okay. So it appears the tab  
16 number is located after the section. So tab one is my  
17 direct testimony. Tab two is my --

18 MR. PRICE: I apologize. That was T-1 was  
19 your testimony. I believe the first exhibit which  
20 would be one, would be Exhibit No. 1, which would be  
21 your deposition transcript.

22 MR. SHOOK: We're doing our best to

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1 confuse everybody.

2 THE WITNESS: Okay. So there is no --

3 JUDGE SIPPEL: There is no tab for the  
4 first document.

5 THE WITNESS: There's no tab in there,  
6 okay, here's what --

7 JUDGE SIPPEL: But it is marked as an  
8 exhibit, SFUSD Exhibit T-1.

9 THE WITNESS: Okay.

10 JUDGE SIPPEL: Now starting with the tab,  
11 the tabbed items are not marked as exhibits, but on  
12 the representative counsel they are actually in the  
13 record. At an admission session last week we put them  
14 in the record, they have an exhibit number someplace.

15 THE WITNESS: Okay.

16 JUDGE SIPPEL: If you would just identify  
17 starting with tab one, tab one is your deposition.

18 THE WITNESS: Tab one is my November of  
19 2004 deposition.

20 JUDGE SIPPEL: Tab two is?

21 THE WITNESS: Tab two appears to be a CPB  
22 Annual Financial Report for KALW dated June 30th,

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